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Association of New Mexico and Lead Counsel for the Class

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE PG&E CORPORATION
SECURITIES LITIGATION

Civil Action No. 3:18-cv-03509-RS

ORDER

**STIPULATION TO AMEND AND LEAD
PLAINTIFF'S NOTICE OF WITHDRAWAL
OF MOTION**

1 WHEREAS, on November 9, 2018, Lead Plaintiff the Public Employees Retirement
2 Association of New Mexico (“Lead Plaintiff”) in this Consolidated Action (as defined in the
3 Consolidation Order) filed its Consolidated Class Action Complaint (ECF No. 83, the “CCAC”)
4 pursuant to the schedule ordered by the Court (ECF No. 15);

5 WHEREAS, certain events occurred immediately prior to and/or after Lead Plaintiff filed
6 the CCAC, including but not limited to a wildfire known as the “Camp Fire”;

7 WHEREAS, it is Lead Plaintiff’s position that certain factual developments, including
8 facts related to the Camp Fire, give rise to claims similar in nature to those alleged in the CCAC;

9 WHEREAS, on November 19, 2018, counsel for Lead Plaintiff contacted counsel for
10 Defendants PG&E Corporation and Pacific Gas and Electric Company (together, “PG&E”), and
11 informed counsel for PG&E that: (1) Lead Plaintiff desired to amend the CCAC; (2) if
12 Defendants in the Consolidated Action declined to stipulate to Lead Plaintiff’s filing of the
13 proposed Second Amended Consolidated Class Action Complaint (the “SAC”), then Lead
14 Plaintiff intended to file a motion seeking leave to amend the CCAC; and (3) if Lead Plaintiff’s
15 motion for leave to amend were denied, then Lead Plaintiff intended to file a new lawsuit that
16 would include the new allegations not currently alleged in the CCAC;

17 WHEREAS, on October 29, 2018, Lead Plaintiff filed a Notice of Motion and Motion to
18 Partially Lift the PSLRA Discovery Stay (ECF No. 79);

19 WHEREAS, on November 13, 2018, PG&E and Individual Defendants Anthony F.
20 Earley, Jr., Geisha J. Williams, Nickolas Stavropoulos, Julie M. Kane, Christopher P. Johns, and
21 Patrick M. Hogan (collectively, “Defendants”) filed their Oppositions to Plaintiff’s Motion to
22 Partially Lift the PSLRA Discovery Stay (ECF Nos. 84 & 85);

23 WHEREAS, Lead Plaintiff’s Reply in Support of its Motion to Partially Lift the PSLRA
24 Discovery Stay is due on November 20, 2018; and

1 WHEREAS, Lead Plaintiff and Defendants agree that in the interests of efficiency and
2 judicial economy, Lead Plaintiff may set out any new allegations in, and file, the SAC.¹

3 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, pursuant to
4 Federal Rule of Civil Procedure 15(a)(2) and Civil Local Rule 7-7(e), that:

- 5 1) Lead Plaintiff hereby withdraws its Motion to Partially Lift the PSLRA
6 Discovery Stay (ECF No. 79), and agrees that it will not file a similar
7 motion in the future;
- 8 2) Defendants agree, with reservation of all rights, that Lead Plaintiff may
9 file a Second Amended Consolidated Class Action Complaint (the
10 “SAC”);
- 11 3) Lead Plaintiff will file its SAC on or before Friday, December 14, 2018;
- 12 4) Defendants shall have until February 15, 2019 to move, answer, or
13 otherwise respond to the SAC, reserving all rights as to all defenses; and
- 14 5) In the event that Defendants file any motions directed at Lead Plaintiff’s
15 SAC, Lead Plaintiff shall have 60 days from the date of the filing of
16 Defendants’ motion to file an opposition, and Defendants shall have 45
17 days from the date of the filing of Plaintiff’s opposition to file a reply.

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26 ¹ Defendants have not seen the proposed SAC. Accordingly, while Defendants agree that
27 Plaintiff may file its SAC, Defendants reserve all other rights, including as to any argument by
28 Lead Plaintiff that new allegations in the SAC arise out of and/or relate to the allegations in the
CCAC.

1 DATED: November 21, 2018

/s/ Thomas A. Dubbs

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